UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,416	08/08/2000	Brig Barnum Elliott	99-466	4607

32127 7590 07/27/2006		EXAMINER	
VERIZON		COLIN, CARL G	
PATENT MANAGEMENT GROUP			
1515 N. COURTHOUSE ROAD, SUITE 500		ART UNIT	PAPER NUMBER
ARLINGTON, VA 22201-2909		2136	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/634,416	ELLIOTT, BRIG BARNUM
	Examiner	**Art Unit**	
	Carl Colin	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>10 May 2006</u>.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-22</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   In view of the Appeal Brief filed on 5/10/2006, PROSECUTION IS HEREBY

REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following

two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37

CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an

appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee

can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have

been increased since they were previously paid, then appellant must pay the difference between

the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing

below.

Response to Arguments

2.   In response to communications filed on 2/10/2006, applicant amends claims 1, 8, and 12-

14, the following claims 1-22 are presented for examination.

2.1   Applicant's remarks in the brief, filed on 5/10/2006, with respect to the rejection of

claims 1-22 have been fully considered but they are moot in view of the new ground(s) of

rejection. Examiner asserts that Hill discloses users make requests for tokens comprising

random bits as explained in the rejection below. The arguments presented by Applicant

regarding claims 20-22 are not persuasive. Examiner disagrees that the Windows Operating

System does not teach or suggest the recited window manager. As disclosed by Applicant in the

brief, a window manager is running in software for controlling layout of sub-windows or

controlling multiple displays simultaneously (brief, page 15, last paragraph). "Windows 98"

reference, page 17, for instance, discloses software component for controlling layout of sub-

windows or multiple displays simultaneously. In response to applicant's argument that the

window disclosed by Hill has nothing to do with a random bit stream, a recitation of the intended

use of the claimed invention must result in a structural difference between the claimed invention

and the prior art in order to patentably distinguish the claimed invention from the prior art. If the

prior art structure is capable of performing the intended use, then it meets the claim. The 112th

rejection of claims 1-19 has been withdrawn. Upon further consideration, a new ground of

rejection of claims 1-22 is set forth below.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and
> distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

3.1   Regarding claim 20, the preamble recites a system for making random numbers available

to a remote user in digital form. The claim limitation merely discloses a computer, a display

device comprising of two windows for displaying information and software for controlling

layout of the windows. The claim limitations do not point out and distinctly claim any system

for making random numbers available to a remote user in digital form. In addition, it is noted

that the claim limitations recite intended use of the claimed invention and may not be given any

patentable weight by the Office.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section
> 122(b), by another filed in the United States before the invention by the applicant for
> patent or (2) a patent granted on an application for patent by another filed in the United
> States before the invention by the applicant for patent, except that an international
> application filed under the treaty defined in section 351(a) shall have the effects for
> purposes of this subsection of an application filed in the United States only if the
> international application designated the United States and was published under Article
> 21(2) of such treaty in the English language.

Claims 1-11 and 13-19 are rejected under 35 U.S.C. 102(e) as being anticipated by US

Patent 6,236,981 to **Hill**.

As per claim 1, **Hill** discloses a system having a random source adaptable for distributing

a random bit stream over a network, said system comprising: Hill teaches a card as a random

number generator; the card fits into a personal computer which contains a diode that meets the

recitation of random source and an amplifier that amplifies noise on a diode to create a random

bit stream (column 10, lines 25-37) that meets the recitation of input interface. In another

embodiment, Hill discloses a reader that meets the recitation of input interface, the card is

included in the card reader for receiving a random data stream from the card and outputting the

random bit stream (see also column 7, lines 42-50); and discloses a server or general purpose

computer comprising processor for receiving the random bit stream from the card and outputting

the random bit stream in a machine-readable form (column 10, lines 25-37 and column 10, line

64 through column 11, line 8); Hill discloses a plurality of disk files for saving random bits

output from the processor (column 10, lines 25-37 and column 10, line 64 through column 11,

line 8); Hill discloses a memory coupled to the processor for storing machine-readable

instructions used by the processor for formatting the random bit stream into a machine readable

form (column 10, lines 25-37 and column 10, line 64 through column 11, line 8); it is noted that

Hill discloses a method and system for implementing the invention and a server computer (see

figures 1 and 8 and column 4, lines 37-45) comprising software stored in memory readable by

processors for performing the method steps disclosed; a network connection coupled to the

processor for making the random bit stream available to a network (see column 10, line 64

through column 11, line 8 and figure 8); Hill explicitly discloses in practicing the invention,

users make requests for tokens comprising random bits (see column 5, lines 20-21; lines 30-45;

column 12, lines 53-55). Hill discloses a download task executed by the processor for providing

to a user a number of random bits requested by the user, it is disclosed that the server sends out

files of random bits to the user and at any one time up to 1000 32K files will be available to be sent to the users (see column 10, line 64 through column 11, line 8 and figure 6).

As per claim 2, **Hill** discloses a card or random generator fits into a personal computer card fits into a personal computer which contains a diode that meets the recitation of random source and an amplifier that meets the recitation of the input interface that amplifies noise on a diode to create a random bit stream to be saved on disks (see column 10, lines 25-37), which meets the recitation of the input interface includes an analog-to-digital converter for converting the random source data into a digital signal (see column 10, lines 25-37).

As per claim 3, **Hill** discloses a server or computer for receiving the random bit stream comprising of multiple processors coupled to each other that meets the recitation of a first processor and a second processor communicatively coupled to said first processor (see figures 1 and 8).

As per claim 4, **Hill** discloses a server or computer that inherently includes memory adapted to be shared by two or more processors (see column 10, lines 9-36 and column 9, lines 5-10).

As per claim 5, **Hill** discloses the limitation of wherein the network connection communicates with an Internet protocol network (see column 2, lines 21-31 and column 25, lines 34-45).

As per claim 6, **Hill** discloses a client using a personal computer to connect to the server through the Internet through high-speed connection (see column 5, lines 1-25) and also discloses the client platform can be a personal digital assistant PDA, which is a wireless device that meets the recitation of wherein the network communicates with a wireless connection (see column 4, lines 41-44).

As per claim 7, **Hill** discloses the limitation of comprising a database to store accounting information about the random bit stream (column 10, lines 10-25).

As per claim 8, **Hill** discloses a method for generating random bits as a function of a random source and distributing the random bits over a network, the method comprising: collecting random data from a random source (column 10, lines 25-37); processing the random data to produce a random bit stream in a machine-readable form (column 10, lines 25-37 and column 10, line 64 through column 11, line 8); saving the random bits in a plurality of disk files (column 10, lines 25-37 and column 10, line 64 through column 11, line 8); providing the random bits to a network connection (see column 10, line 64 through column 11, line 8 and figure 8); Hill explicitly discloses in practicing the invention, users make requests for tokens comprising random bits (see column 5, lines 20-21; lines 30-45; column 12, lines 53-55); and further discloses the server sends out files of random bits to the user, and at any one time up to 1000 32K files will be available to the users (see column 10, line 64 through column 11, line 8 and figure 6).

As per claim 9, **Hill** discloses the limitation of generating random data (column 10, lines 25-37).

As per claim 10, **Hill** discloses the limitation of receiving a random bit stream at a user location of the network (see column 10, line 64 through column 11, line 8 and claim 19).

As per claim 11, **Hill** discloses the limitation of validating a user account prior to transmitting the random bits over the network (column 5, lines 30-50 and column 8, lines 44-56).

As per claim 13, **Hill** discloses a computer system comprising computer readable medium containing instructions for controlling at least one machine to perform a method for distributing random bits to a remote user, the method comprising the steps of: converting a random data stream into a machine readable random bit stream (column 10, lines 25-37); saving the random bits to a plurality of disk files (column 10, lines 25-37 and column 10, line 64 through column 11, line 8); providing the machine readable random bit stream to a network connection (see column 10, line 64 through column 11, line 8 and figure 8); Hill explicitly discloses in practicing the invention, users make requests for tokens comprising random bits (see column 5, lines 20-21; lines 30-45; column 12, lines 53-55); and further discloses the server sends out files of random bits to the user, and at any one time up to 1000 32K files will be available to users that connects to the server (see column 10, line 64 through column 11, line 8

and figure 6) that meets the recitation of transmitting a number of random bits requested by a

user in the machine readable random bit stream over a network.

As per claim 14, **Hill** discloses a method for producing a random bit stream from a

random source and offering the random bit stream to a remote user, the method comprising the

steps of: processing the random bit stream to form a distributable random bit stream (see column

10, lines 25-37); making the distributable random bit stream available to a remote user from at

least one of a plurality disk files (column 10, line 64 through column 11, line 8); and Hill

explicitly discloses in practicing the invention, users make requests for tokens comprising

random bits (see column 5, lines 20-21; lines 30-45; column 12, lines 53-55); and further

discloses the server sends out files of random bits to the user, and at any one time up to 1000

32K files will be available to users that connects to the server (see column 10, line 64 through

column 11, line 8 and figure 6) that meets the recitation of transmitting to the user over a

network a number of random bits requested by the user.

As per claim 15, **Hill** discloses the limitation of further comprising the step of processing

the random bit stream to ensure that successive bits are unbiased (see column 10, lines 25-37).

As per claim 16, **Hill** discloses the limitation of performing accounting operations on the

random bit stream to ensure that the remote user is billed for the received random bit stream

(column 5, lines 12-50 and column 15, lines 1-18).

As per claim 17, **Hill** discloses the limitation of authorizing the remote user to receive the

random bit stream prior to distributing the distributable random bit stream to the remote user

(column 7, lines 64 through column 8, line 7; and column 8, lines 44-53).

As per claim 18, **Hill** discloses the limitation of confirming that the remote user has

received the distributable random bit stream (column 8, lines 17-55).

As per claim 19, **Hill** discloses the limitation of further comprising the step of:

encapsulating the random bit stream (see column 2, lines 50-63).

5.   **Claim 12** is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,792,438

to **Wells et al.**

As per claim 12, **Wells et al** substantially discloses a distributed system for the

production and distribution of random bits, the distributed system comprising: a first random

number source (211) generating a first random data stream a second random source (212)

generating a second random data stream; an interface (214, 216, 218) to the first random number

source for receiving the first random data stream and the second random data stream, the

interface outputting a random bit stream (see column 5, lines 24-40); a processor (220) for

receiving the random bit stream from the interface and for formatting the random bit stream for

distribution in a machine readable form (see column 5, lines 40-62 and column 6, lines 38-55); a

network connection (148, figure 1) coupled to the processor for making the machine readable

random bit stream available to a network (see column 4, lines 22-38); memory coupled to the

processor for storing machine-readable instructions used by the processor (column 3, lines 30-

49); and any suitable memory circuitry or register for saving any suitable number of random bits

in a machine readable form to make them available for distribution to any variety of applications

(column 6, lines 45-67 and column 4, lines 22-40; column 14, lines 1-7).

6.   **Claims 20-22** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent

6,212,280 to **Howard, Jr. et al**.

As per claim 20, **Howard, Jr. et al** discloses a system comprising: a computer, a display

device communicatively coupled to the computer (see figure 1), the display device comprising: a

first window for displaying information about a random bit stream awaiting distribution over a

network (see column 20, lines 16-22); a second window for displaying diagnostic information

regarding the random bit stream (see column 20, lines 1-7); and window manager for controlling

the layout of and communication of data to the first window and the second window while

present for viewing on the display device (see column 21, lines 22-34).

As per claim 21, **Howard, Jr. et al** discloses the limitation of a third window for

communicating information to a remote computer (see column 21, lines 28-34).

As per claim 22, **Howard, Jr. et al** discloses the system of claim 20 further comprising

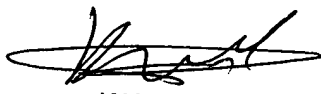an input device (100) in figure 2.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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July 19, 2006

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